

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VINMAR OVERSEAS, LTD.,

Plaintiff,

v.

OCEANCONNECT, LLC,

Defendant.

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Civil Action No. _____

Jury

NOTICE OF REMOVAL

Defendant OCEANCONNECT, LLC files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and Local Rule CV-81.

1. On or about November 15, 2011, Plaintiff, Vinmar Overseas, Ltd. filed a lawsuit styled *Vinmar Overseas, Ltd. v. OceanConnect, LLC*, Cause No. 2011-69137 in the 281st Judicial District Court of Harris County, Texas, alleging causes of action for breach of contract, breach of warranties, rescission and attorneys' fees. The amount in controversy exceeds \$75,000.00, exclusive of interest, costs and attorney's fees. State Court Cause No. 2011-69137 is being removed from the 281st Judicial District Court of Harris County, Texas, Hon. Sylvia A. Matthews presiding. The court's address is Harris County Civil Courthouse, 201 Caroline, 14th Floor, Houston, Texas 77002.

2. Plaintiff is Vinmar Overseas, Ltd., which has identified itself as a company registered in the Bahamas with is principal place of business in Houston, Texas.

3. Defendant, OceanConnect, LLC is a limited liability company organized in Delaware and which maintains its principal place of business in New York. The citizenship of a limited liability company is determined by the citizenship of all of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008); *Deliverance Poker, LLC v. Tiltware, LLC*, 771 F.Supp.2d 658, 661-62 (W.D. Tex. 2011). The sole member of the defendant limited

liability company is OceanConnect Broking, Inc., a Delaware corporation, with a principal place of business located in the State of New York. Accordingly, Defendant is considered a citizen of the states of New York and Delaware for jurisdictional purposes. The status of the removed case is that it is pending.

4. OceanConnect was served with process on November 28, 2011. Defendant filed this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

5. Removal is proper because there is complete diversity between the parties.¹ Plaintiff is a citizen of the State of Texas.² OceanConnect is not a citizen of the State of Texas.³ The amount in controversy in this matter exceeds \$75,000.00, excluding interest, costs, and attorney fees.

6. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a) and Local Rule LR81. In particular, attached hereto and made a part hereof are the following Exhibits:

Exhibit 1-1: All executed process in this case.

Exhibit 1-2: Pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third party actions, interventions and all answers to such pleadings.

Exhibit 1-3: All orders signed by the state judge.

Exhibit 1-4: The docket sheet.

Exhibit 1-5: An index of matters being filed.

Exhibit 1-6: A list of all counsel of record, including addresses, telephone numbers and parties represented.

7. Venue is proper in this district under 28 U.S.C. §1441(a) because this district and division embrace the place where the removed action has been pending.

8. Defendants will file promptly a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

¹ See 28 U.S.C. §1332(a).

² See Plaintiff's Original Petition, which is attached hereto as part of Exhibit 1-2.

³ See Exhibit 2, Affidavit of Eric Rubury, sworn to on December 7, 2011 and submitted herewith.

Respectfully submitted,



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**ATTORNEY-IN-CHARGE FOR DEFENDANT,
OCEANCONNECT, LLC**

OF COUNSEL:

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BELL, RYNIKER & LETOURNEAU

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served pursuant to Federal Rule of Civil Procedure 5 on all counsel of record on this the 12th day of December, 2011.

Stephen W. Lemmon
Bradley W. Cole
BROWN MCCARROLL, LLP
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Keith B. Letourneau